

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY )  
PARTNERS, COUNTRY MUSIC. )  
TELEVISION, INC., PARAMOUNT )  
PICTURES CORPORATION, and BLACK )  
ENTERTAINMENT TELEVISION, LLC, )  
 )  
Plaintiffs, )  
 )  
vs. ) NO. 07-CV-2103  
 )  
YOUTUBE, INC., YOUTUBE, LLC, )  
and GOOGLE, INC., )  
 )  
Defendants. )  
 )  
\_\_\_\_\_  
 )  
THE FOOTBALL ASSOCIATION PREMIER )  
LEAGUE LIMITED, BOURNE CO., et al., )  
on behalf of themselves and all )  
others similarly situated, )  
 )  
Plaintiffs, )  
vs. ) NO. 07-CV-3582  
 )  
YOUTUBE, INC., YOUTUBE, LLC, and )  
GOOGLE, INC., )  
 )  
Defendants. )  
 )  
\_\_\_\_\_  
VIDEOTAPED DEPOSITION OF BHANU NARASIMHAN  
SAN FRANCISCO, CALIFORNIA  
FRIDAY, SEPTEMBER 18, 2009

JOB NO. 17700

1                                   SEPTEMBER 18, 2009

2                                   9:32 a.m.

3  
4                   VIDEOTAPED DEPOSITION OF BHANU NARASIMHAN,  
5                   Shearman & Sterling, 525 Market street,  
6                   San Francisco, California pursuant to notice,  
7                   and before me, ANDREA M. IGNACIO HOWARD, CLR,  
8                   RPR, CRR, CSR License No. 9830.  
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A P P E A R A N C E S:

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A P P E A R A N C E S     (Continued.)

ALSO PRESENT:   Adam Barea, Google, Inc.  
                 Michael Mack, Videographer.

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1 NARASIMHAN, B.

2 09:34:01 me know that you need to finish your answer.

3 09:34:04 If you don't understand any of the questions  
4 09:34:07 that I ask, please let me know, and I'll try to  
5 09:34:10 clarify them; okay?

6 09:34:11 A Okay.

7 09:34:11 Q If you need a break, just ask, and we'll take  
8 09:34:16 a break. I just ask that you answer any pending  
9 09:34:20 questions before we take a break; is that okay?

10 09:34:23 A That's okay.

11 09:34:26 Q Great.

12 09:34:27 Who is your current employer, Ms. Narasimhan?

13 09:34:30 A Google.

14 09:34:30 Q When did you first begin to work for Google?

15 09:34:32 A In May of 2005.

16 09:34:35 Q And what was your job when you first started  
17 09:34:37 working at Google?

18 09:34:38 A I was a manager in the online sales and  
19 09:34:41 operations group.

20 09:34:42 Q Was there a time after that when you began  
21 09:34:46 working on a project called Google Video?

22 09:34:53 A Yes.

23 09:34:53 Q When was that?

24 09:34:53 A It was approximately October 2005.

25 09:34:55 Q What is Google Video?

1 NARASIMHAN, B.

2 09:34:59 A Google Video is a platform to organize the  
3 09:35:02 world's video.

4 09:35:04 Q And what was your job responsibility when you  
5 09:35:07 first started working at Google Video?

6 09:35:09 A I managed a small team of sales and  
7 09:35:13 operations representatives.

8 09:35:15 Q Did someone else hold that position before  
9 09:35:18 you did?

10 09:35:19 A Yes.

11 09:35:19 Q Who was that person?

12 09:35:22 A Tim Maly.

13 09:35:24 Q And why did you replace Mr. Maly?

14 09:35:26 A He moved on to another role.

15 09:35:28 Q When did the Google Video site first launch?

16 09:35:34 A I don't know.

17 09:35:35 Q Had it launched before you first took a job  
18 09:35:41 working with Google Video?

19 09:35:43 A I believe so.

20 09:35:44 Q During the time you worked for Google Video,  
21 09:35:59 did you have any other jobs besides the operations you  
22 09:36:02 mentioned before?

23 09:36:04 A I had two other jobs in operations at the  
24 09:36:07 same time when I first started Google Video.

25 09:36:09 Q What were those jobs?

1 NARASIMHAN, B.

2 09:36:10 A One was online sales and operations manager  
3 09:36:13 for AdWords approvals, and the other was online sales  
4 09:36:20 and operations manager for the training team within  
5 09:36:22 the online sales operations group.

6 09:36:25 Q In your capacity as sales and operations  
7 09:36:33 manager for AdWords approval, what were your  
8 09:36:36 responsibilities?

9 09:36:37 A I managed a group of people that would review  
10 09:36:43 AdWords ads.

11 09:36:48 Q How many people were you managing in that  
12 09:36:50 capacity?

13 09:36:53 A Directly, three. Indirectly, it varied.

14 09:37:01 Q And when you say "review AdWords ads," can  
15 09:37:08 you describe in more detail what that review would  
16 09:37:11 involve?

17 09:37:16 A We had what is known as an approval bin. The  
18 09:37:20 AdWords ads would come into the approval bin, and the  
19 09:37:25 reviewers would look at it and compare it to -- and  
20 09:37:30 test it essentially for policy violations, a number of  
21 09:37:33 different policy violations which we had documented,  
22 09:37:36 and either approve it, reject it, or approve it with  
23 09:37:40 certain restrictions.

24 09:37:41 Q In your capacity as a manager in video  
25 09:37:54 operations, what were your job responsibilities?

1 NARASIMHAN, B.

2 09:37:58 A I managed a team of people that would review  
3 09:38:02 videos and also answer customers' e-mails.

4 09:38:07 Q I want --

5 09:38:11 A And also -- sorry -- and also respond to DMC  
6 09:38:16 requests.

7 09:38:17 Q So I want to follow-up on what you said about  
8 09:38:19 the reviewing videos.

9 09:38:23 Users could upload content to the Google  
10 09:38:29 Video site; is that right?

11 09:38:30 A Yes.

12 09:38:30 Q And if that content was approved by Google  
13 09:38:33 Video, it would become available for the public to  
14 09:38:35 view through Google Video; correct?

15 09:38:37 MR. MANCINI: Objection to form.

16 09:38:42 Do you understand the question?

17 09:38:43 THE WITNESS: No.

18 09:38:44 MR. MANCINI: Can you restate the question?

19 09:38:45 MR. COX: Q. When a user uploaded content to  
20 09:38:49 the Google Video site, that content might become  
21 09:38:52 available for the public to view through the Google  
22 09:38:55 Video site; correct?

23 09:38:56 MR. MANCINI: Objection; form.

24 09:39:00 Do you understand that question?

25 09:39:01 THE WITNESS: I'm not sure what --



1 NARASIMHAN, B.

09:39:05 2 MR. MANCINI: Can -- Counsel, can you just  
09:39:08 3 perhaps break down the question?

09:39:09 4 MR. COX: Let me ask a different question.

09:39:20 5 Q When a user uploaded a video to the Google  
09:39:23 6 Video site, what would happen next?

09:39:26 7 MR. MANCINI: Objection to form.

09:39:30 8 You can answer if you understand it.

09:39:32 9 THE WITNESS: Okay.

09:39:33 10 When a user uploaded a video to the Google  
09:39:38 11 Video site, it would go through a series of technical  
09:39:43 12 steps and then it would come to the video approval bin  
09:39:51 13 essentially, video review queue. And post review, it  
09:39:58 14 would go through some more technical steps, and then  
09:40:02 15 it would be made available on the Google Video site.

09:40:06 16 MR. COX: Q. The first thing you mentioned  
09:40:09 17 there was a series of technical steps occurring before  
09:40:13 18 a video would go to the video review queue.

09:40:16 19 A Yes.

09:40:16 20 Q Could you describe what those technical steps  
09:40:18 21 were?

09:40:18 22 A You have to ask an engineer.

09:40:20 23 Q Do you know what -- sort of what functions  
09:40:25 24 those technical steps served to form?

09:40:27 25 MR. MANCINI: Objection to form.

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1 NARASIMHAN, B.

2 09:40:29 Do you understand that question?

3 09:40:32 THE WITNESS: Yes.

4 09:40:32 The one function that I know of is taking  
5 09:40:42 thumbnails of the video to be able to show it to us in  
6 09:40:45 the video review bin.

7 09:40:47 MR. COX: Q. What is a thumbnail?

8 09:40:49 A It's a little screen shot. It's like a  
9 09:40:52 freeze frame if you paused a video.

10 09:40:55 Q How were the thumbnails of a video selected?

11 09:41:05 MR. MANCINI: Objection to form; lacks  
12 09:41:10 foundation.

13 09:41:13 THE WITNESS: You'd have to ask an engineer.

14 09:41:14 MR. COX: Q. How many thumbnails were  
15 09:41:17 created for each video?

16 09:41:24 A I'd approximate a screen full that size with  
17 09:41:31 them about this much, so you can count.

18 09:41:34 Q So sort of in the vicinity of 20?

19 09:41:37 A More than that.

20 09:41:38 Q The next step you mentioned in the process  
21 09:41:43 was the video review queue. What is the video review  
22 09:41:47 queue?

23 09:41:48 A It was a tool that we had that my team used  
24 09:41:54 to review videos.

25 09:42:00 Q When you say "review videos," did Google

1 NARASIMHAN, B.

2 09:42:06 Video, as a matter of policy, review videos at upload?

3 09:42:12 MR. MANCINI: Objection; lacks foundation;

4 09:42:14 and objection to form.

5 09:42:18 Do you understand that question?

6 09:42:21 THE WITNESS: Yes, I think so.

7 09:42:22 MR. MANCINI: Okay.

8 09:42:23 THE WITNESS: Can you just repeat the

9 09:42:24 question, and then I'll try and answer it.

10 09:42:26 MR. COX: Can you read it back, please,

11 09:42:28 Andrea.

12 09:42:36 (Whereupon, record read by the Reporter as

13 09:42:36 follows:

14 09:42:00 "Question: When you say "review videos," did

15 09:42:05 Google Video, as a matter of policy, review

16 09:42:08 videos at upload?")

17 09:42:37 MR. MANCINI: Same objections.

18 09:42:38 THE WITNESS: We reviewed them after upload,

19 09:42:48 after these technical steps.

20 09:42:50 MR. COX: Q. Did a Google Video employee

21 09:42:56 review videos before the video would be made available

22 09:43:00 to the public?

23 09:43:02 MR. MANCINI: Objection to form.

24 09:43:05 THE WITNESS: Yes.

25 09:43:10 MR. COX: Q. Was that true at all times, or

1 NARASIMHAN, B.

2 09:43:23 do you know if any -- I'm sorry. Let me -- let me

3 09:43:26 strike that.

4 09:43:27 Do you know of any time when Google Video did

5 09:43:31 not review videos before they became available to the

6 09:43:34 public?

7 09:43:36 MR. MANCINI: Objection to form.

8 09:43:38 THE WITNESS: Yes.

9 09:43:38 MR. COX: Q. When did the practice change?

10 09:43:46 MR. MANCINI: Objection to form.

11 09:43:47 THE WITNESS: Can you please specify what

12 09:43:51 changed?

13 09:43:52 MR. COX: Q. At what point did Google Video

14 09:43:57 stop -- oh, let's back up.

15 09:44:02 When you first began working for Google

16 09:44:07 Video, did Google Video review videos before they

17 09:44:10 became available to the public?

18 09:44:11 MR. MANCINI: Objection to form.

19 09:44:12 THE WITNESS: Yes.

20 09:44:12 MR. COX: Q. At any point while you were

21 09:44:13 working for Google Video, did Google Video stop

22 09:44:16 reviewing videos before they became available to the

23 09:44:19 public?

24 09:44:20 MR. MANCINI: Objection to form.

25 09:44:21 THE WITNESS: Yes, yes.

1 NARASIMHAN, B.

2 09:44:22 MR. COX: Q. At what point did Google Video  
3 09:44:24 stop reviewing videos before they became available to  
4 09:44:26 the public?

5 09:44:27 MR. MANCINI: Objection to form.

6 09:44:33 THE WITNESS: We stopped reviewing some  
7 09:44:40 videos before they became available approximately  
8 09:44:44 September of 2006.

9 09:44:46 MR. COX: I want to go back to the series of  
10 09:44:58 steps that you outlined before about what would happen  
11 09:45:02 to a video after it was uploaded.

12 09:45:04 You said there are technical steps, then it  
13 09:45:07 would go to the video review queue, and then there  
14 09:45:10 were more technical steps.

15 09:45:11 Q Do you know what any of the more technical  
16 09:45:13 steps were?

17 09:45:13 MR. MANCINI: Objection to the  
18 09:45:14 characterization of the prior testimony; and  
19 09:45:22 objection, asked and answered.

20 09:45:23 THE WITNESS: I can tell you generally, but  
21 09:45:33 you'd have to ask an engineer for more specifics.

22 09:45:35 There were transcoding steps.

23 09:45:37 MR. COX: Q. What does transcoding mean?

24 09:45:40 A As far as I understand, it means making a  
25 09:45:44 video available in different formats.

1 NARASIMHAN, B.

10:24:29 2 THE WITNESS: I don't remember -- remember  
10:24:34 3 informing anyone in particular.

10:24:36 4 MR. COX: Q. Did you view the number of  
10:24:43 5 complaints you were receiving as a problem for your  
10:24:47 6 review team?

10:24:48 7 MR. MANCINI: Objection to form.

10:24:49 8 THE WITNESS: No.

10:25:05 9 MR. COX: Q. Did you believe that the  
10:25:06 10 policies your review team was applying should be  
10:25:12 11 changed in order to reduce the number of complaints?

10:25:28 12 A No, we would never -- I -- we never believed  
10:25:32 13 that we should change the policy, but we did believe  
10:25:37 14 we could implement that policy in a more effective  
10:25:40 15 manner.

10:25:44 16 Q What do you mean by "implement that policy in  
10:25:47 17 a more effective manner"?

10:25:56 18 A So when we were reviewing videos, we had a  
10:26:00 19 number of different things we were looking for,  
10:26:02 20 including porn, violence, hate. Hate is not as easy  
10:26:06 21 to tell, and potential or suspected copyright  
10:26:13 22 infringement.

10:26:15 23 It was fairly easy to tell on porn and  
10:26:21 24 violence. When you see thumbnails, you can -- you can  
10:26:24 25 see pretty clearly body parts or -- or other screen

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1 NARASIMHAN, B.

2 10:28:14 recognize, we were very inefficient in our reviews to  
3 10:28:23 find this content. A very, very, very small fraction  
4 10:28:27 of the videos that we actually reviewed contained this  
5 10:28:29 content, and we believed that in order to be more  
6 10:28:32 efficient and equally effective, that we could rely on  
7 10:28:35 the community to let us know when they found videos  
8 10:28:39 that had bad content.

9 10:28:42 On other areas of policy, like in some cases  
10 10:28:50 hate speech, in potential or suspected copyright  
11 10:28:55 infringement, we found that we were making mistakes  
12 10:28:59 quite often in either direction, and that we would be  
13 10:29:04 more effective not trying to make a judgment when we  
14 10:29:08 had imperfect information and, instead, relying on  
15 10:29:12 DMCA availability and making that DMCA capability more  
16 10:29:18 available to our partners and make it easier for them  
17 10:29:24 to provide the DMCA's to us.

18 10:29:28 So in both cases, it would have been more  
19 10:29:32 efficient and more effective not to review the videos  
20 10:29:37 before they went live.

21 10:29:41 Q When did you first decide that with respect  
22 10:29:46 to copyright you were making mistakes quite often?

23 10:29:53 A I don't remember when we first decided that.

24 10:29:57 Q Roughly, did you come to that conclusion,  
25 10:30:01 let's say, before September 2006?

1 NARASIMHAN, B.

2 10:30:06 A Yes.

3 10:30:06 Q Before March 2006?

4 10:30:10 A That, I don't remember.

5 10:30:16 Q When you came to that conclusion, did you  
6 10:30:18 tell anyone?

7 10:30:25 A I'm sure we discussed it, but I don't recall  
8 10:30:27 any specific conversations I had.

9 10:30:33 Q Do you know whom you discussed it with?

10 10:30:35 A It would have been other members of the team.

11 10:30:37 Q Did anyone at -- in your team communicate  
12 10:30:44 that to someone higher up at Google?

13 10:30:51 A Define "higher up."

14 10:30:55 Q To anyone with the authority to change the  
15 10:31:06 policy of reviewing videos for potential copyright  
16 10:31:09 infringement after upload.

17 10:31:11 MR. MANCINI: Objection to form; and  
18 10:31:12 objection, lacks foundation.

19 10:31:13 THE WITNESS: I'm not sure I understand that  
20 10:31:23 question, to be honest.

21 10:31:25 MR. COX: Q. Did you inform anyone at Google  
22 10:31:31 who could have done something to change what was going  
23 10:31:32 on about the problems you were discussing before  
24 10:31:37 regarding copyright?

25 10:31:38 MR. MANCINI: Objection to form; and



1 NARASIMHAN, B.

2 10:31:39 objection, lacks foundation.

3 10:31:54 Do you understand the question?

4 10:31:55 THE WITNESS: I still don't, and I still

5 10:31:56 don't know how to answer it, to be honest.

6 10:31:59 MR. MANCINI: I don't understand it either.

7 10:32:09 MR. COX: Q. You testified before that your

8 10:32:22 team was making mistakes in either direction with

9 10:32:26 respect to identifying videos as infringing copyright;

10 10:32:29 is that correct?

11 10:32:29 A As potentially infringing copyright, correct.

12 10:32:38 Q Did you believe that your team was making

13 10:32:40 those mistakes as a result of something about what it

14 10:32:45 was being asked to do in reviewing videos for

15 10:32:48 potential copyright infringement?

16 10:32:50 MR. MANCINI: Objection to form; and

17 10:32:53 objection, lacks foundation.

18 10:32:55 THE WITNESS: I don't understand that.

19 10:32:58 MR. COX: Q. Did you believe that the reason

20 10:33:00 your team was making those mistakes -- or why did you

21 10:33:04 believe your team was making those mistakes?

22 10:33:07 MR. MANCINI: Objection; asked and answered.

23 10:33:08 THE WITNESS: Because we honestly did not

24 10:33:14 know who was authorized to upload that video, and any

25 10:33:22 particular reviewer is not going to be familiar with

1 NARASIMHAN, B.

2 10:33:25 and have knowledge of all the videos in the world and  
3 10:33:29 who owns them.

4 10:33:35 MR. COX: Q. Did you believe that your team  
5 10:33:57 should not be asked to identify potential copyright  
6 10:34:01 infringement in the video review queue?

7 10:34:08 MR. MANCINI: Objection to form; lacks  
8 10:34:10 foundation.

9 10:34:12 THE WITNESS: I believe I just said that  
10 10:34:20 there were problems with what we were doing.

11 10:34:24 MR. COX: Q. And my question is, based on  
12 10:34:26 those problems, did you believe that the instructions  
13 10:34:29 to your team should change?

14 10:34:33 MR. MANCINI: Same objections, and asked and  
15 10:34:37 answered.

16 10:34:37 THE WITNESS: Could you rephrase or ask a  
17 10:34:55 different question?

18 10:34:56 MR. COX: I think that question is fairly  
19 10:34:59 clear.

20 10:35:00 Q My question is, did you believe that the  
21 10:35:01 instructions to your team about how to review for  
22 10:35:05 potential copyright infringement should change?

23 10:35:08 MR. MANCINI: Objection to form, and she  
24 10:35:10 already answered that question just a few lines ago.

25 10:35:17 MR. COX: Q. I do not remember the answer,

1 NARASIMHAN, B.

2 10:35:18 so could you indulge me and answer it again, if you

3 10:35:23 did already answer it.

4 10:35:25 MR. MANCINI: We can read it back.

5 10:35:27 THE WITNESS: Please.

6 10:35:40 MR. MANCINI: When you asked that question,

7 10:35:41 the witness said at line 20, page 40, "I believe I

8 10:35:45 just said that there were problems with what we were

9 10:35:48 doing."

10 10:35:48 Asked and answered.

11 10:35:49 MR. COX: I don't think that's an answer to

12 10:35:51 the question.

13 10:35:51 Q The question is, did you think what you were

14 10:35:53 doing should change as a result of those problems?

15 10:35:55 MR. MANCINI: No. Counselor, you're asking

16 10:35:57 for a subjective determination. The witness answered

17 10:36:00 it the way she's comfortable answering it. If you

18 10:36:02 don't like the answer, doesn't mean you get to ask it

19 10:36:05 again.

20 10:36:10 MR. COX: John, I simply disagree that that's

21 10:36:16 an answer to the question.

22 10:36:17 MR. MANCINI: It's her answer to the

23 10:36:18 question. You can ask it again. She's going to

24 10:36:21 answer it the same way.

25 10:36:28 MR. COX: Q. Did you form a belief as to

1 NARASIMHAN, B.

2 10:36:35 whether the instructions to your team about reviewing  
3 10:36:38 videos for potential copyright infringement should  
4 10:36:41 change?

5 10:36:42 MR. MANCINI: Objection to form; asked and  
6 10:36:43 answered.

7 10:36:44 THE WITNESS: I believed that what we were  
8 10:36:52 doing had lots of problems.

9 10:36:58 MR. COX: Q. Did you inform anyone who had  
10 10:37:01 the authority to change what you were doing about that  
11 10:37:05 belief?

12 10:37:09 MR. MANCINI: Objection to form.

13 10:37:11 THE WITNESS: I just don't know how to answer  
14 10:37:21 that.

15 10:37:25 MR. COX: Q. Did you tell anyone --

16 10:37:27 A There isn't a -- there isn't -- sorry --  
17 10:37:28 there isn't a linear, you know, like I tell someone.  
18 10:37:31 I tell my boss, or my boss's boss and someone is going  
19 10:37:34 to make it. It just didn't work like that.

20 10:37:36 Q Okay.

21 10:37:36 A So I just don't know how to answer your  
22 10:37:38 question.

23 10:37:39 Q Did you tell anyone else at Google besides  
24 10:37:41 the members of your team?

25 10:37:44 MR. MANCINI: Objection; asked and answered.

1 NARASIMHAN, B.

2 10:37:46 THE WITNESS: Yes; we would have had

3 10:37:47 discussions across the Google Video team.

4 10:37:53 MR. COX: Q. When you say "across the Google

5 10:37:56 Video team," whom is that referring to?

6 10:38:00 A It would be referring to the product

7 10:38:02 managers, the engineers, the partners, sales folks,

8 10:38:07 potentially. The legal counsel for sure, and any

9 10:38:13 number of people that were involved with Google Video.

10 10:38:19 And you have to remember, some of these

11 10:38:21 complaints came from other people on the Google Video

12 10:38:22 team, so they already knew this issue.

13 10:38:28 Q Did you -- your team ever put together a

14 10:38:34 document reflecting your views on this issue?

15 10:38:38 MR. MANCINI: Objection; lacks foundation.

16 10:38:39 Objection to form.

17 10:38:40 THE WITNESS: I don't remember.

18 10:38:41 MR. COX: Q. Did you ever see a document

19 10:38:53 stating that review of videos for a potential

20 10:39:02 copyright infringement is causing problems?

21 10:39:08 MR. MANCINI: Objection to form.

22 10:39:11 THE WITNESS: I don't remember.

23 10:39:20 MR. MANCINI: Do you think it's a good time

24 10:39:22 for a break?

25 10:39:23 MR. COX: Fine with me, if you'd like it.

	1	NARASIMHAN, B.
10:39:25	2	MR. MANCINI: Okay.
10:39:26	3	THE VIDEOGRAPHER: Off the record.
10:39:30	4	The time on the screen is 10:39.
10:39:33	5	(Recess taken.)
10:53:38	6	THE VIDEOGRAPHER: We're now back on the
10:53:40	7	record.
10:53:41	8	The time on the screen is 10:53.
10:53:46	9	MR. COX: Q. In the document we were looking
10:53:51	10	at before we went on break, in the third sub-bullet
10:53:56	11	that we were looking at before, it says "If the video
10:54:01	12	does not meet our editorial standards, disapprove the
10:54:05	13	video."
10:54:05	14	What do you mean by "editorial standards"?
10:54:10	15	MR. MANCINI: This is Exhibit 2?
10:54:12	16	MR. COX: This is Exhibit 2.
10:54:17	17	MR. MANCINI: Objection to form and lacks
10:54:26	18	foundation.
10:54:26	19	Do you know what this document meant? Is
10:54:28	20	that what you're asking?
10:54:32	21	THE WITNESS: Are you asking about this
10:54:33	22	particular line?
10:54:34	23	MR. COX: Q. I'm asking what -- what does
10:54:36	24	"editorial standards" mean? What is your
10:54:39	25	understanding of what "editorial standards" means in

NARASIMHAN, B.

10:54:41 this context?

10:54:42 MR. MANCINI: Objection to form.

10:54:43 Are you asking her for her understanding?

10:54:45 MR. COX: I'm asking her for --

10:54:47 Q What is your understanding of what "editorial  
10:54:49 standards" means in this document?

10:54:51 MR. MANCINI: Okay. Objection to form.

10:54:56 THE WITNESS: It means conformance to the  
10:54:58 list of policies we had.

10:54:59 MR. COX: Q. What are those policies?

10:55:03 MR. MANCINI: Objection; asked and answered.

10:55:08 THE WITNESS: Our policies included a number  
10:55:10 of areas like porn, violence, hate speech, obscenity,  
10:55:16 potential copyright infringement, et cetera.

10:55:19 MR. COX: I'm going to give you a document  
10:55:24 that will be marked as Exhibit 3 to your deposition.

10:55:35 (Document marked Narasimhan Exhibit 3  
10:55:50 for identification.)

10:55:50 MR. COX: Q. This document is Bates No.

10:55:51 G001-03114019. That's an e-mail from Ms. Narasimhan  
10:55:59 with the subject line "Disapproval reasons for review  
10:56:03 and takedown tool."

10:56:31 A Okay.

10:56:31 Q Do you recognize this document?

1 NARASIMHAN, B.

2 10:56:33 A I don't, but I see it.

3 10:56:37 Q Do you have any reason to believe this is not  
4 10:56:38 an e-mail that you sent?

5 10:56:39 A No, I don't.

6 10:56:40 Q Is the list contained in this document a list  
7 10:56:45 of the reasons why a video might violate your  
8 10:56:55 editorial standards?

9 10:56:56 MR. MANCINI: Objection to form, and  
10 10:56:59 objection to the characterization of the document.  
11 10:57:00 The document speaks for itself.

12 10:57:07 THE WITNESS: This is a list of disapproval  
13 10:57:10 reasons.

14 10:57:13 MR. COX: Q. Are disapproval -- is there a  
15 10:57:16 difference between disapproval reasons and reasons why  
16 10:57:27 a video might violate your editorial -- Google Video's  
17 10:57:27 editorial standards?

18 10:57:42 A There shouldn't be.

19 10:57:53 Q The second item in the list is "Copyright:  
20 10:57:57 Music Video."

21 10:57:59 What does that mean?

22 10:58:01 A It means potential copyright infringement.  
23 10:58:06 It looks to be a music video.

24 10:58:10 Q So reviewers were instructed to disapprove  
25 10:58:16 videos for potential copyright infringement if they



1 NARASIMHAN, B.

2 10:58:18 appeared to be using videos?

3 10:58:21 A Yes.

4 10:58:21 Q Was the same true for TV and film, the next  
5 10:58:32 two items in the list?

6 10:58:34 A Yes.

7 10:58:35 Q Besides the items on this list, were there  
8 10:58:42 any other reasons for a reviewer to disapprove a  
9 10:58:49 video?

10 10:58:49 MR. MANCINI: Objection; lacks foundation.  
11 10:58:51 Objection to form.

12 10:58:59 THE WITNESS: These were the disapproval  
13 10:59:05 reasons that I asked for in the new tool.

14 10:59:09 MR. COX: Q. Do you know of any other  
15 10:59:12 disapproval reasons that existed at any time while you  
16 10:59:15 were responsible for operations at Google Video?

17 10:59:19 A I don't recall, but I believe if I had known  
18 10:59:21 of a reason, it would have been on this list.

19 10:59:28 Q Were reviewers provided with any criteria to  
20 10:59:31 determine whether a particular video fell into one of  
21 10:59:34 these disapproval categories?

22 10:59:41 MR. MANCINI: Objection to form.

23 10:59:42 THE WITNESS: Yes.

24 10:59:42 MR. COX: Q. What were those criteria?

25 10:59:50 MR. MANCINI: Objection to form.

1 NARASIMHAN, B.

2 11:07:36 told her there's no point. I said to you there's no  
3 11:07:37 point.

4 11:07:37 She already said she lacks knowledge in this  
5 11:07:40 area. You're asking her to pursue a line of  
6 11:07:42 questioning about something that she lacks knowledge  
7 11:07:45 of, and now asking her to speculate about a line of  
8 11:07:48 questions that she lacks knowledge of.

9 11:07:48 MR. COX: And I'm telling you that it's  
10 11:07:51 improper to do anything more than objecting to the  
11 11:07:52 question.

12 11:07:52 MR. MANCINI: I'm -- I am telling you we're  
13 11:07:53 all wasting time if we're asking her to speculate  
14 11:07:57 about areas which she has -- not only to speculate,  
15 11:08:00 but about an area for which she has no knowledge, and  
16 11:08:00 she just so testified to that.

17 11:08:05 But if you want to persist, I just think  
18 11:08:06 we're just wasting time.

19 11:08:08 MR. COX: You're entitled to that belief.

20 11:08:10 MR. MANCINI: Okay.

21 11:08:27 MR. COX: Q. What percentage of videos were  
22 11:08:32 disapproved in the review queue?

23 11:08:42 A It varied week to week.

24 11:08:44 Q Approximately?

25 11:08:46 A Ten, 15.

1 NARASIMHAN, B.

2 11:08:48 Q What percentage of those disapprovals were  
3 11:08:53 based on potential copyright infringement?

4 11:08:56 A Very high. 80, 90 percent.

5 11:09:01 Q Did Google Video ever receive any third-party  
6 11:09:14 requests to remove videos?

7 11:09:16 A Yes.

8 11:09:19 Q Did Google Video respond to those requests?

9 11:09:22 A Yes.

10 11:09:22 Q What did Google Video do in response to those  
11 11:09:27 requests?

12 11:09:35 A We received DMCA requests from content owners  
13 11:09:39 asking us -- swearing that they own certain videos and  
14 11:09:43 asking us to take them down, which we did. And we  
15 11:09:47 would receive e-mails from concerned citizens that  
16 11:09:53 would bring to our attention videos containing porn,  
17 11:09:58 hate speech, or other forms of improper content that  
18 11:10:02 we would also review and, based on our policies, take  
19 11:10:07 down.

20 11:10:20 Q I'm going to give you a document that I think  
21 11:10:22 will be Exhibit 4 to your deposition.

22 11:10:24 (Document marked Narasimhan Exhibit 4  
23 11:10:37 for identification.)

24 11:10:37 MR. COX: This document is -- begins with the  
25 11:10:39 Bates No. G00001-00794737. It's an e-mail from

1 NARASIMHAN, B.

2 11:23:48 A Yes.

3 11:23:48 Q Could you have also decided to keep

4 11:24:02 statistics on the number of videos that were approved

5 11:24:05 after initially being disapproved?

6 11:24:07 MR. MANCINI: Objection; calls for

7 11:24:08 speculation; lacks foundation.

8 11:24:10 THE WITNESS: I don't know.

9 11:24:33 MR. COX: Q. Did you ever consider keeping

10 11:24:35 statistics about the number of videos that were

11 11:24:38 approved after initially being disapproved?

12 11:24:42 MR. MANCINI: Same objections.

13 11:24:43 THE WITNESS: Not that I recall.

14 11:24:45 MR. COX: Q. Do you believe that such

15 11:25:04 statistics would have been relevant to the question of

16 11:25:11 whether -- strike that.

17 11:25:20 Do you believe that such statistics would

18 11:25:22 have been relevant to the question of whether removals

19 11:25:29 for copyright infringement were often mistakes?

20 11:25:33 MR. MANCINI: Objection to form; objection

21 11:25:35 calls for speculation; objection, lacks foundation;

22 11:25:38 and objection, calls for a legal conclusion.

23 11:25:44 THE WITNESS: I don't want to speculate.

24 11:25:46 MR. COX: Q. You testified earlier that you

25 11:25:47 formed a belief that many removals for copyright

1 NARASIMHAN, B.

2 11:25:54 infringement were mistakes; is that correct?

3 11:25:58 MR. MANCINI: Objection; mischaracterizes

4 11:26:00 prior testimony.

5 11:26:25 Actually, let me restate that objection.

6 11:26:29 Withdraw mischaracterization, and just say objection;

7 11:26:33 the prior testimony speaks for itself. It's -- it's a

8 11:26:36 question of precision.

9 11:26:44 THE WITNESS: You need me to repeat what I

10 11:26:48 said before or --

11 11:26:49 MR. COX: Please.

12 11:26:50 THE WITNESS: Okay. So I believe that the

13 11:26:58 removals that we made for potential copy -- copyright

14 11:27:01 infringement we later found to be mistakes because

15 11:27:06 people complained about them.

16 11:27:18 MR. COX: Q. Would statistics about the

17 11:27:21 number of videos that were initially disapproved and

18 11:27:27 then approved had been relevant to determining the

19 11:27:31 accuracy of that belief?

20 11:27:32 MR. MANCINI: Objection; lacks foundation and

21 11:27:34 calls for speculation.

22 11:27:41 THE WITNESS: I don't know. Maybe.

23 11:27:46 MR. COX: Q. Can you think of any reason why

24 11:27:48 it would not have helped you to know how many

25 11:27:52 instances of disapprovals to approvals there were?

1 NARASIMHAN, B.

2 11:27:57 MR. MANCINI: Again, objection; lacks  
3 11:28:00 foundation and now calls for the witness to speculate  
4 11:28:02 on a fact that has not been established in this  
5 11:28:06 deposition and is, from what we can tell, purely a  
6 11:28:12 hypothetical.

7 11:28:34 THE WITNESS: Yeah, I would be speculating.

8 11:28:43 MR. COX: Q. When there were complaints  
9 11:28:45 about the disapproval of a video for copyright  
10 11:28:58 reasons, would you then revoke the disapproval and  
11 11:29:02 approve the video?

12 11:29:04 MR. MANCINI: Objection to form.

13 11:29:22 THE WITNESS: I don't recall specifics, but  
14 11:29:24 it would have varied based on the request. I'm  
15 11:29:29 guessing.

16 11:29:30 MR. COX: Q. In what instances would you not  
17 11:29:33 have approved a video?

18 11:29:35 A I don't recall.

19 11:29:35 Q Is there a situation in which a content  
20 11:29:43 owner -- in which a video was rejected for copyright  
21 11:29:49 reasons, the owner of rights to the video informs you  
22 11:29:56 that they do own those rights, and which you would not  
23 11:30:03 then have approved the video?

24 11:30:05 MR. MANCINI: Objection to form.

25 11:30:07 THE WITNESS: So if the owner of a video was

1 NARASIMHAN, B.

2 11:30:09 able to establish to us that they owned the video,

3 11:30:17 then I don't see why we would not have reinstated it.

4 11:30:21 MR. COX: Q. Did your team keep track of how

5 11:30:28 many such reinstatements occurred?

6 11:30:31 A No.

7 11:30:31 Q Are you aware of any effort by anyone to

8 11:30:40 quantify the number of videos removed for copyright

9 11:30:43 that were later found to be mistakes?

10 11:30:47 MR. MANCINI: Objection to form and calls for

11 11:30:49 speculation.

12 11:30:49 THE WITNESS: I'm not aware.

13 11:30:56 MR. COX: Q. Would it have been possible for

14 11:30:58 someone at Google Video to quantify the number of

15 11:31:04 videos removed for copyright that were later found to

16 11:31:08 be mistakes without working with your team?

17 11:31:10 MR. MANCINI: Objection to form; and

18 11:31:13 objection, lacks foundation.

19 11:31:14 THE WITNESS: No.

20 11:31:14 MR. COX: Q. Was your team ever involved in

21 11:31:28 an effort to quantify the number of videos removed for

22 11:31:31 copyright that were later found to be mistakes?

23 11:31:34 A No.

24 11:31:34 MR. MANCINI: Objection to form.

25 11:31:45 MR. COX: I think we're going to tape --

NARASIMHAN, B.

1  
2 14:51:15 Q At this time of January 16, 2007, what was  
3 14:51:18 your position at Google?

4 14:51:22 A I think at this date I was still the online  
5 14:51:24 sales and operations manager for Google Video.

6 14:51:27 Q And at some point after this, your -- your  
7 14:51:30 title changed?

8 14:51:31 A Yes.

9 14:51:31 Q And what did it change to?

10 14:51:33 A Product manager.

11 14:51:36 Q And what was the specific area of product  
12 14:51:38 that you were the product manager of?

13 14:51:40 A So I started a team called the Common Abuse  
14 14:51:43 Tools Team.

15 14:51:50 Q And what was the -- what were your duties  
16 14:51:53 with respect to the title or, I'm sorry, with respect  
17 14:51:56 to the team called The Common Abuse Tools Team?

18 14:52:05 A So what I did, and again to be clear, there  
19 14:52:09 isn't a list of duties that are listed out for people,  
20 14:52:12 what I did was get this team off the ground, worked  
21 14:52:15 with some engineers to find staffing for this team,  
22 14:52:22 define what the products were that this team was going  
23 14:52:26 to build, and then over time build those products and  
24 14:52:29 got other systems to implement those products.

25 14:52:33 Q And what were the products that you built in



NARASIMHAN, B.

1  
2 14:58:40 Q Have you had any job responsibilities at  
3 14:58:45 Google with respect to AdWords?

4 14:58:48 A Yes.

5 14:58:48 Q And at what time? Can you just give me a  
6 14:58:53 time frame of when -- when you became involved in any  
7 14:58:56 way with AdWords?

8 14:58:58 A So when I first joined Google, which is in  
9 14:59:01 2005, May, I was responsible for a team of reviewers  
10 14:59:07 that would review ads against Google -- Google's  
11 14:59:13 policies.

12 14:59:16 Some time in 2006, I don't remember exactly  
13 14:59:22 when, that team was dis -- the team in the U.S. was  
14 14:59:26 dissolved and the responsibilities moved over to  
15 14:59:28 India, at which point I stopped my involvement with ad  
16 14:59:32 approvals. AdWords and ad approvals stopped.

17 14:59:36 And then last year, so this is in 2008, July,  
18 14:59:41 I transitioned from being a product manager on the  
19 14:59:43 Common Abuse Tools Team to being a product manager on  
20 14:59:47 AdWords, the AdWords front end.

21 14:59:50 Q Okay. So during the period of time between  
22 14:59:54 May 2005 when you were responsible for a team of  
23 14:59:56 reviewers that would review ads against Google's  
24 14:59:59 policies up until the time that you stopped performing  
25 15:00:04 those duties, do you recall Google's policies with